

REMARKS:

Applicants respectfully request continued examination of the present patent application pursuant to 37 C.F.R. § 1.114.

The amendment after final submitted on January 18, 2008 has not been entered into the record and Applicants respectfully request that the amendment after final not be entered. The amendments presented herein are based upon the assumption that the amendment after final will not be entered into the record.

Claims 1, 8 and 14 have been amended by this paper. Claims 1-18 are pending in this patent application.

Claims 1-5, 7, 14-16 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,986,510 to Bellamy et al. The rejections are respectfully traversed.

The Bellamy et al. reference discloses a hydraulic antivibratory device including a valve 8 mounted between two flat and parallel perforated grids or plates 9, 10. As shown in Fig. 2, the valve 8 is shaped as a biconvex lens, wherein each face of the valve 8 bulges out with a continuous curvature. (Col. 2, ll. 52-55.)

In contrast, the pending claims of the present application require, among other things, a generally flat and planar diaphragm having an enlarged central node and a periphery spaced apart from the central node, the central node being disposed generally entirely at a central portion of the diaphragm, wherein the central node is in constant contact with the upper orifice plate and in contact with the lower orifice plate, and wherein the periphery is spaced apart from at least one of the upper or lower orifice plates and free to move between the upper orifice plate and the lower orifice plate. The Bellamy et al. reference does not disclose a diaphragm having such a structure. In particular, the Bellamy et al. reference does not disclose a generally flat and planar diaphragm having a node positioned generally entirely at the central portion of the diaphragm, wherein the central portion of the diaphragm is spaced apart from the periphery of the diaphragm.

Accordingly, it is submitted that the Bellamy et al. reference fails to teach each and every limitation of the pending claims of the present application and therefore cannot, as a matter of law, anticipate the pending claims of the present application. Withdrawal of the rejections of

claims 1-5, 7, 14-16 and 18 under § 102(b) in view of the Bellamy et al. reference is respectfully requested.

Claims 1-3 and 7 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,505,822 to Yamamoto et al. The rejections are respectfully traversed.

As previously argued, claims 1-3 and 7 require that the periphery of the diaphragm is “spaced apart from at least one of the upper or lower orifice plates.” The Yamamoto et al. references does not teach such a structure and, therefore, cannot, as a matter of law, anticipate claims 1-3 and 7 of the present application. Withdrawal of the rejections of claims 1-3 and 7 under § 102(e) is respectfully requested.

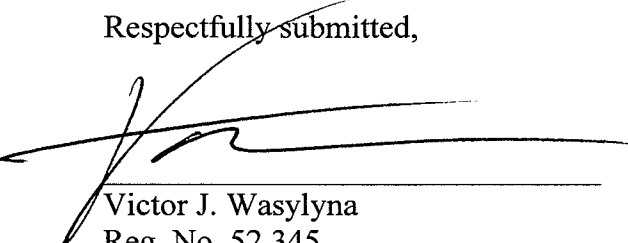
Claims 6, 8-13 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Bellamy et al. reference in view of U.S. Patent No. 5,104,100 to Simuttis. The rejections are respectfully traversed.

The Simuttis reference discloses a rubber mount with hydraulic damping including a partition 3, as shown in Fig. 1. However, like the Bellamy et al. reference, the Simuttis reference does not teach a generally flat and planar diaphragm having a node positioned generally entirely at the central portion of the diaphragm, wherein the central portion of the diaphragm is spaced apart from the periphery of the diaphragm. Therefore, the combination of the Bellamy et al. and Simuttis references cannot, as a matter of law, render claims 6, 8-13 and 17 obvious. Withdrawal of the rejections of claims 6, 8-13 and 17 under § 103(a) is respectfully requested.

Accordingly, it is submitted that the pending claims of the present patent application are in condition for allowance and formal notice thereof is respectfully requested.

The Commissioner is hereby authorized to treat any paper that is filed in this application, which requires an extension of time, as incorporating a request for such an extension. (37 C.F.R. § 1.136(a)(3).) The Commissioner is further authorized to charge any fees required by this paper or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted,



Victor J. Wasylyna  
Reg. No. 52,345

U.S. Ser. No. 10/092,320  
Docket No. DP-306837  
Amendment and RCE

THOMPSON HINE LLP  
Post Office Box 8801  
Dayton, Ohio 45401-8801  
Phone: (937) 443-6812  
E-mail: [IPGroup@ThompsonHine.com](mailto:IPGroup@ThompsonHine.com)

515398